

IN THE UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-cv-124

UNITRIN AUTO AND HOME INSURANCE
COMPANY,

Plaintiff,

vs.

HERSCHEL R. SMITH, PAMELA SMITH,
SETH A. SMITH AND DEWY L.
HINKLEY, JR., AS ADMINISTRATOR OF
THE ESTATE OF ALEXANDRIA GRACE
HINKLEY, AND LARRY PUCKETT AS
ADMINISTRATOR OF THE ESTATE OF
COURTNEY CAMPBELL PUCKETT,

Defendants.

DEFAULT JUDGMENT AS TO
DEFENDANT HERSCHEL R. SMITH

This cause was heard by the undersigned on Motion of Plaintiff for Default Judgment. It appears to the Court upon affidavits and pleadings that this is an action for declaratory relief wherein Plaintiff seeks a determination as to its rights and/or responsibilities to Defendant Herschel R. Smith (hereinafter "Defendant Smith") under a certain policy of automobile insurance issued to Defendant Smith by Plaintiff; that personal service was had on Defendant Smith; that the Court has jurisdiction over the subject matter of this action; that Defendant is not under a disability and has failed to plead or appear in the time allowed by law; that default has been properly entered; and it is determined that Plaintiff has no obligation to defend or indemnify Defendant Smith under the policy of insurance; Plaintiff does not provide coverage for the accident in question occurring on October 24, 2009; Plaintiff does not have any legal obligation to Defendant Smith and that Plaintiff is entitled to applicable interest and costs in this action.

Signed: March 11, 2011



Graham C. Mullen
United States District Judge

